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October 18, 2022

The Honorable John P. Cronan, USDJ
UNITED STATES DISTRICT COURT
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: UNITED STATES v. ROBERT SHANNON
Case Number: 1:21-cr-00056-JPC
Letter Motion to Extend Time (Notice of Appeal)

Dear Judge Cronan:

We respectfully request Your Honor accept this Letter Motion to extend the time to file a Notice of Appeal in lieu of a formal motion. AUSA Michael Herman has consented to this request.

Judgement was entered on December 19, 2022. Pursuant to Rule 4 of the Federal Rules of Appellate Procedure a Notice of Appeal must be filed within fourteen (14) days of the entry of the judgment. Given that the fourteenth day fell on January 2, 2023, which is a federal holiday, the Notice of Appeal was due on or before January 3, 2023. As such, the filing of the Notice of Appeal, if permitted, is seven (7) days late as of today's date.

A District Court can extend the fourteen (14) day period for good cause or excusable neglect pursuant to Rule 4. We respectfully submit both are present here. As stated, Mr. Herman consents to our request. Mr. Shannon is incarcerated in the Metropolitan Detention Center (MDC) which made communication with him during the fourteen (14) day period difficult. The fourteen (14) day period fell over the holidays, and I was away at a family gathering during some of the period.

Finally, and most importantly, it was the mutual decision of myself and Mr. Shannon that he would procure the services of new appellate counsel to advance his appeal if he decided to pursue an appeal. However, due to his indigency he was unable to do so and will have to request the services of the Federal Defenders Appellate office to represent him on the appeal. I have just learned from a representative of the office

that the proper procedure to obtain their representation is for me to file the Notice of Appeal. Once docketed in the Second Circuit Court of Appeals I then have to make a motion to the Second Circuit to be relieved as counsel at which point the Federal Defenders will be appointed.

Based on the foregoing we respectfully request that Your Honor permit the filing of the Notice of Appeal even though it is filed past the fourteen (14) period required by Rule 4 of the Federal Rules of Appellate Procedure. If the Notice of Appeal is permitted to be filed it will be done immediately upon Your Honor's authorization.

Respectfully,

Daniel J. Welsh

DANIEL J. WELSH

DJW/as

The request is granted. Defendant's deadline to file a notice of appeal is adjourned to January 11, 2023.

SO ORDERED.

January 10, 2023
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN

United States District Judge